

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

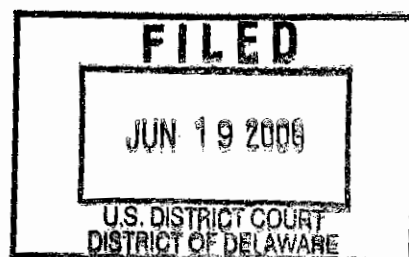
SHANE K. HOPKINS
PLAINTIFF,

V.

C.A. No: 05-870 S.L.R.

JOHN PUSEY ETAL.

DEFENDANTS,



MOTION FOR APPOINTMENT OF COUNSEL ^{By scanner}

COMES NOW PLAINTIFF SHANE K. HOPKINS PRO SE
IN THE ABOVE STYLED CAUSE PURSUANT TO 28 U.S.C.
§ 1915 (E)(1) 1915 () TO APPOINT COUNSEL IN THE
FOREGOING PROCEEDINGS THAT WOULD THEREFORE SHOW:

1.) THIS ACTION IS NOW RIPE FOR APPOINTMENT
OF COUNSEL DO TO THE ABILITY OF PLAINTIFF TO PROSECUTE
THE CASE AT BAR DUE TO THE PLAINTIFFS CURRENT INCARCERATION
AND ABILITY TO PROSECUTE THIS CASE IN BOTH RESPONSIVENESS
TO THE PROCEEDINGS IN BOTH DISCOVERY AND PRETRIAL PREPARATIONS,
IN WHICH PLAINTIFFS CASE TURNS ONTO THE MERITS OF THE ACTION
THAT IS "CLASS CERTIFICATION" FED. RULE CIVIL PROCEDURES RULE
23 (g)-(1) (c) AND ABILITY TO DEPOSE WITNESSES AND PRESENT
A COLORABLE CLAIM THAT ONLY A JURY CAN RESOLVE BASED

(2)

UPON THE CURRENT PLEADINGS FILED BY THE COUNSEL FOR DEFENDANTS ON MAY 26, 2006. (SEE EXHIBIT "A")

2.) THIS ACTION IS A CLASS CERTIFICATION AGAINST BOTH THE STATE OF DELAWARE AND THE A.C.L.U. (AMERICAN CIVIL LIBERTIES UNION) THE ISSUES ARE BOTH CLASS CERTIFICATION AND ON-GOING 42 U.S.C. § 1997 (E) C.R.I.P.A. VIOLATIONS THAT ARE CURRENTLY BEING A PART OF THE FEDERAL INQUIRY CONDUCTED BY THE UNITED STATES DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION. (SEE EXHIBIT "B")

3.) PLAINTIFF IS INDIGENT AND UNABLE TO AFFORD COUNSEL. (SEE EXHIBIT "C")

4.) PLAINTIFF'S IMPRISONMENT WILL GREATLY LIMIT HIS ABILITY TO LITIGATE THE ISSUES INVOLVED IN THIS CASE. THE ISSUES ARE COMPLEX AND WILL REQUIRE SIGNIFICANT RESEARCH AND INVESTIGATION. PLAINTIFF HAS LIMITED ACCESS TO THE LAW LIBRARY AND CURRENTLY HAS INCURRED RETALIATORY NEXUS TO THESE PROCEEDINGS BY THE LAW LIBRARIAN BRIAN ENGREN WHO HAS MIMICRED THE PROCEEDINGS AND INSTITUTED INCIDENTS THAT PRESENT A DENIAL OF ACCESS TO THESE CURRENT FILINGS. (SEE EXHIBIT "D")

5.) A TRIAL IN THIS CASE WILL LIKELY INVOLVE CONFLICTING TESTIMONY AND COUNSEL WOULD BETTER ENABLE PLAINTIFF TO PRESENT EVIDENCE AND CROSS EXAMINE WITNESSES AND MAINTAIN/HOLD

(3)

OR HAVE POSSESSIONARY CONTROL OF OTHER INMATE'S AFFIDAVITS, EXHIBITS ECT... DUE TO DEPARTMENT OF CORRECTIONS POLICIES.

6.) PLAINTIFF IS CURRENTLY STILL BEING HELD IN ADMINISTRATIVE SEGREGATION DUE TO CLASSIFICATION DECISIONS RELATIVE THEREIN UNDER.

7.) THE FOREGOING ARE FACTORS LISTED IN MONTGOMERY V. PINCHAK 294 F.3d 492, 499 (3rd Cir 2002)

WHEREFORE PLAINTIFF SUBMITS THIS ACTION FOR REVIEW FOR APPOINTMENT OF COUNCIL BEFORE THE CIVIL REVIEW PANEL HENCEFORTH.

DATED: JUNE 11TH 2006

Respectfully Yours,

x Shane Hopkins

SHANE K. HOPKINS #253918
DELAWARE CORRECTIONAL CENTER
1161 Paddock Rd
Smyrna Delaware
19977

Certificate of Service

I, SHANE K HOPKINS, hereby certify that I have served a true
and correct cop(ies) of the attached: MOTION FOR APPOINTMENT OF
COUNSEL CA No: 05-870 S.L.R. upon the following
parties/person (s):

TO: LISA BARCHI #3927
DEPUTY ATTORNEY GENERAL
CARVEL STATE OFFICE Building
820 N. FRENCH ST. 6TH FLOOR
WILMINGTON D.E. 19801

TO: John W. Shaw
Young CONAWAY STARGATT & TAYLOR
THE BRANDYWINE Building
1000 WEST ST. 17TH FLOOR
WILMINGTON DE. 19801

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United
States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE
19977.

On this 15TH day of JUNE, 2006

Shane Hopkins #253916

I/M Shane Hopkins

SBI# 253916 UNIT 21

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

LEGAL MAIL

MAILED 6-15-06



Office of The Clerk
UNITED STATES DISTRICT COURT
844 N. King St. Lockbox #18
Wilmington Delaware

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